

### **REMARKS/ARGUMENTS**

Claims 1, 5, 9, 14, and 18 are amended, claims 19 and 23 are canceled, and new claims 25-29 are added herein. With entry of this amendment, claims 1-9, 11, 13, 14, 16, 18, 22, and 24-29 will be pending.

The courteous telephone interview granted applicants' undersigned attorney on October 17, 2007 by Examiner Douglas Blair is hereby respectfully acknowledged. The claims have been amended to specify that the network elements are in an optical network, as discussed in the interview. The arguments presented in the interview are set forth below.

Claims 1-9, 11, 13, 14, 16, 18, 19, and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,447 (Shteyn).

Shteyn discloses a control property mapped modally compatible element for use with HAVi (Home Audio/Video interoperability) equipment. HAVi is a home networking standard for interoperability between digital audio and video consumer devices such as DVD players, camcorders, TV sets, etc. The system includes a controller 104 which controls a functionality of device 102 through software application 110 interacting with representation 108, which is uploaded to the controller upon connection of the device to the network. The controller controls a functionality of the device through a software application interfacing with the representation.

Claim 1 has been amended to specify that the network elements are in an optical network to distinguish between applicants' claimed invention and the HAVi equipment disclosed in Shteyn.

Claim 1 is further submitted as patentable over Shteyn for the reasons discussed below.

Claim 1 recites providing: (a) a network element independent module for managing different types of network elements; (b) one or more network element dependent modules for managing a specific type of network element; and (c) a network management application that calls the functions of the network element independent and dependent modules to manage network elements in a network.

In rejecting claim 1, the Examiner refers to controller 104 as the node, application 110 as the network element independent module, and representation 108 as the network element dependent module. Representation 108 is used to expose a device's functionality to application 110, which controls a functionality of the device. As the Examiner notes in the *Response to Arguments*, application 110 manages the modules (representation 108), which are used to manage different types of devices.

Shteyn does not disclose a network management application that calls functions of both a network element independent module and network element dependent module to manage network elements in a network.

Furthermore, Shteyn does not disclose initializing a network element independent module for a new network element. In rejecting the claims, the Examiner refers to col. 9, lines 21-38. This section of the patent describes how a control script is generated to test the controllability of functionality provided by representation 108 (which the Examiner identifies as an element dependent module).

Claim 1 further recites: (a) sending a request to a new network element for information about the element; (b) determining if the new element corresponds to one of the network element dependent modules accessible by the management application; and (c) receiving from the new network element and storing a new network element dependent module if the new network element dependent module does not correspond to one of the accessible modules.

In rejecting the claim, the Examiner refers to Level 1 interoperability, which ensures that devices can interoperate at a basic level of functionality. Level 2 allows a

device to communicate to other devices with additional functionality that is not present in the embedded DCMs. The Background describes a Device Control Module (DCM) manager that automatically reacts to changes in the network by installing new DCMs for new appliances. Shteyn does not send a request to a new device for information about the device or determine if a new device corresponds to an existing network element dependent module. The fact that devices of Shteyn can upload DCMs so that different devices can interoperate, is not the same as specifically sending a request to a new device for information, determining if the new device corresponds to existing modules, and receiving a new module from the new network element, if the new device does not correspond to existing modules.

Accordingly, claim 1 is submitted as patentable over Shteyn. Claims 2-4, 22, and 24-26 depending from claim 1 are submitted as patentable for at least the reasons discussed above with respect to claim 1.

Claims 5, 9 and 14, as amended, and the claims depending therefrom, are submitted as patentable for the reasons discussed above with respect to claim 1.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn in view of U.S. Patent No. 6,434,447 (Shteyn et al. '817). Claim 24 specifies that the network element dependent module comprises functions that support network element dependent communication protocols.

The Shteyn et al. '817 patent describes dynamically disabling and enabling devices in consumer systems with multiple communication protocols. The system dynamically connects or disconnects the first sub-system to or from the control means by enabling or disabling its software from being accessed by the application on the control means. In contrast to applicants' claimed element dependent module for managing remote nodes, Shteyn et al. '817 describe a single information processing system that disables software to avoid conflicts between different communication protocols.

Claim 24 is therefore submitted as patentable over the cited references.

Appl. No. 10/060,926  
Amd. Dated October 26, 2007  
Reply to Office Action of August 29, 2007

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Kaplan', with a long horizontal stroke extending to the right.

Cindy S. Kaplan  
Reg. No. 40,043

P.O. Box 2448  
Saratoga, CA 95070  
Tel: 408-399-5608  
Fax: 408-399-5609